

REMARKS/ARGUMENTS

The rejections presented in the Office action dated June 25, 2010 (hereinafter Office action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses each of the § 103(a) rejections based upon the teachings of U.S. Publication No. 2002/0183062 by Kubosawa *et al.* (hereinafter “Kubosawa”) as modified by those of WO 99/45733 to Halonen (hereinafter “Halonen”) and U.S. Publication No. 2003/0153312 by Lee *et al.* (hereinafter “Lee”) because the asserted references alone, or in combination, fail to teach or suggest each of the claimed limitations. For example, the independent claims require checking the state of a user interface component in response to detecting a need to initiate the handover algorithm. At page three, the Examiner equates initiation of a handover algorithm with detecting a need to handover. However, at page five, it is admitted that the user interface is not checked (step S7) if handover is possible. Kubosawa thus only teaches to check the input keys if handover is not possible. Rather, Kubosawa teaches checking the user interface after a target system/channel has been selected. *See, e.g.*, paragraphs [0054]-[0055], where CDMA is the target. Thus, Kubosawa does not teach or suggest checking the state of a user interface component in response to initiating handover as asserted by the Examiner.

In addition, the reliance on Halonen is misplaced. Again, Halonen does not teach or suggest checking of a user interface component in response to a need to initiate handover or handover algorithm but only indicates the possibility of preventing the execution of a time-limited handover algorithm using a time calculator. There is no suggestion towards preventing a handover algorithm based on detecting an inactive user interface state. Thus the combination of Kubosawa and Halonen at least fails to correspond to the claimed limitations, or at least Halonen could not be combined with the cited procedure of Kubosawa (prevention of handover based on key input).

Further, Halonen fails to give any indication toward enabling initiation of a handover algorithm based on user interface state. Rather, Halonen teaches triggering

handover algorithm based on signal change (page 3, lines 21-22). Thus, Halonen could not be combined with the teachings of Lee.

However, without acquiescing to the assertions in the Office action and in a good faith effort to move the case to allowance, the independent claims have been amended to indicate that the application of the handover algorithm is controlled based on the state of screen saver. Since these limitations were present in original claims 7 and 18 and further support may be found in paragraphs [0036] and [0007], these changes do not introduce new matter. Each of the pending claims is further believed to be patentable for the reasons set forth below.

None of the asserted references teaches or suggests checking the state of the screen saver automatically in response to detecting a change in state of the screen saver, as now claimed in each of the independent claims. The cited Wren reference (U.S. Publication No. 2004/0248594 by Wren III) does not mention checking the state of a screen saver or checking the state of a screen saver in response to detecting a change in state of the screen saver. Notably, in Wren the state of the screen saver does not influence any other function. Kubosawa merely teaches checking user input keys for a different purpose and as part of a handover algorithm operation. Also, Halonen and Lee make no mention of checking the state of screen saver in response to detecting a change in the state.

Further, Wren, and the other references, fails to suggest the claimed subsequent control of a handover algorithm on the basis of the detected state of screen saver. For example, Halonen teaches away from this by teaching to initiate a specific handover algorithm based on signal change and end the handover algorithm after a predetermined time. Lee merely discloses initiation of the handover algorithm after power is switched on. Also, instead of disclosing initiation of the handover algorithm in response to detecting a user interface component from changing from the inactive state to the active, Kubosawa teaches the opposite – to execute the inter-system handover in response to detecting in step S9 the user input and then end the handover algorithm related procedure. Thus, none of the asserted references has been shown to teach or suggest checking the state of screen saver automatically in response to detecting a change in state of screen saver, as now claimed in

each of the independent claims. Applicant accordingly requests that each of the rejections be withdrawn.

Dependent claims 3, 8, 13, 19, and 22-30 depend from independent claims 1, 9, and 21, respectively, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Kubosawa, Halonen, and Lee. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent claims 3, 8, 13, 19, and 22-30 are also patentable over Kubosawa, Halonen, and Lee.

With particular respect to dependent claims 23, 25, and 27, Applicant further traverses because the cited portion of Kubosawa fails to teach or suggest the claimed limitations. The claims require that radio measurements are omitted in response to the current state of the user interface component being inactive. The assertion that Kubosawa would perform measurements if the user interface is active fails to correspond to the claimed opposite situation. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection of at least these claims is improper.

With respect to the § 103(a) rejections of dependent claims 5, 6, 15-17, and 20 based upon Kubosawa, Halonen, and Lee as combined with Claxton, Cowsky, III *et al.*, and Harris *et al.*, respectively, Applicant respectfully traverses. As discussed above, the combination of Kubosawa, Halonen, and Lee fails to correspond to the limitations of independent claims 1 and 9 (from which claims 5, 6, 15-17, and 20 depend). The further reliance on these additional teachings does not overcome the above-discussed deficiencies in Kubosawa, Halonen, and Lee. Moreover, it has not been shown that Claxton teaches checking states of

the features set forth in claims 5, 15, and 16, or that Cowsky describes checking of any locking feature. Thus, the asserted combinations of these teachings with the teachings of Kubosawa, Halonen, and Lee do not teach each of the claimed limitations of dependent claims 5, 6, 15-17, and 20, and each of the § 103(a) rejections should be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, inherent, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

In addition, new claims 31-35 have been added. Support for these claims may be found in the original specification, for example, at paragraphs [0018] and [0025] (claims 31-34) and in original claims 1, 7, and at paragraph [0036] (claim 35). Each of these claims is believed to be patentable over the asserted references for the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.083PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,
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